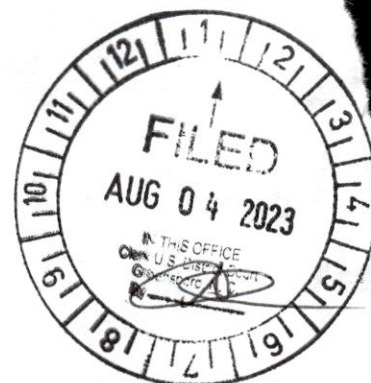


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In the United States District Court for the Middle District of
North Carolina



Eugene Baskins *PROSE*

Plaintiff

1629 E 3rd Street

Apartment 204 B

Winston Salem, North Carolina 27101-4559 420

VS

Union Baptist Church

Dr. Bishop Sir Walter Mack Jr.

1201 Trade Street

Winston Salem, North Carolina 27101

Defendant

1:23CV652

Now comes Eugene Baskins, before this Court brings the following litigation pursuant to, Fraud, and being Misclassified as an Independent Contractor as opposed to what I were "a simple employee" by Union Baptist Church under the Supervision of Dr. Bishop Sir Walter Mack Jr. Upon information and belief, I was hired to help with the church, food bank, unload and load trucks, pass out clothes to the needy. I was paid weekly by check by Union Baptist Church. Federal and State taxes were supposed to be taken out of my gross to be withheld. At the end of my employment which was from January 2014 until December 2014, when I received my W2 form, I noticed that under sections for withheld money, each box stated 0 that no taxes were ever taken out of each check. I asked Dr. Bishop Sir Walter Mack what was going on and I was told that "everything will be okay". Shortly later on, I was told that I could not file income tax because I paid little or no taxes. I was shocked that the Church would do me this way. I further find out that the Church labeled me as an Independent Contractor. My application did not state that I was an "Independent Contractor" but merely

an employee. I have submitted exhibits "A" and "B" at the rear to show that 2 entities have done a complete and thorough investigation and determined that "I " Eugene Baskins was in fact an "employee" only. On September 5, 2017, North Carolina enacted the "Worker Misclassification Law, which states "it creates a division within the state Industrial Commission to investigate and prosecute worker misclassification complaints. The Law came about after a series of newspapers reports detailing the widespread practice of employers in order to avoid unemployment taxes and payments, workers compensation , payroll taxes, and other wage cost. Many businesses believe that simply labeling a worker as a

' Contractor" is enough to take them outside the coverage of state and federal employment laws. That is simply wrong ! Workers are legally presumed to be employees unless their work arrangements meet several rigorous criteria. The standard for determining employee or independent contractor status is based on the common law " Right of Control Test ", which considers such things as whether the worker is engaged in an independent business; has independent use of his special skills, knowledge, or training; was hired only to do a "specified piece of work; is not subject to being discharged for his /her method of work, and is free to hire assistants and fully control their work. I , Eugene Baskins was only an employee. Not one worker did I supervise.

The fruits of the case is I Eugene Baskins worked at Union Baptist Church and the back taxes the State of North Carolina stating I owe is a direct result of Union Baptist Church and one Dr, Bishop Sir Walter Mack jr. committing "fraud" by misclassifying me as an Independent Contractor while I was only an hourly wage employee.

Under rule 23 Federal Rules of Civil Procedure governs certification of a class action matter, A District court has broad discretion whether to certify a class, see *Lienhart v. DRYvit Dys; Inc* 255 F.ed 138,146 (4th Cir. 2001). In the interest of fundamental fairness, I simply ask this court to order Union Baptist Church / Bishop Sir Walter Mack jr. pay me for my stress, issues that fell upon me from not being able to file taxes, not being able to receive unemployment insurance nothing but high blood pressure, diabetes, which as we all know medication is expensive.

In closing , I ask that this court accept my complaint under forma pauperi status and award me the sum of \$75,000 for my suffering and pain and medical treatment. I further request that this court appoint me an attorney, or reward me for doing my own litigation as if this court was paying a Public Defender.

Certificate of Service

I, Eugene Baskins , hereby certify that the foregoing is true and correct to the best of my knowledge ,and on this 4th day of August ,2023, I filed this complaint in the United District Court Clerks office in Winston Salem,North Carolina the required number of copies(3) . I further request that this Court return to me a "stamped filed " copy f such .

Eugene Baskins

1629 E 3rd Street

Apartment 204 B

Winston Salem, North Carolina 27107

Eugene Baskins